

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kenneth Daywitt, Justin Newman, Andrew
Day, and Jacob Flom,

File No. 22-cv-7 (ECT/JFD)

Plaintiffs,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Minnesota Department of Human Services
and Richard McHugh, *MSOP Moose Lake
Polygraph examiner, in his individual and
Official Capacity,*

Defendants.

Magistrate Judge John F. Docherty issued a Report and Recommendation on February 8, 2022. ECF No. 6. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 6] is **ACCEPTED**;
2. Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and

3. Each individual Plaintiff's application to proceed in forma pauperis in this action [ECF Nos. 2, 3, 4, 5], is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 8, 2022

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court